IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CIVIL APPLICATION NO. 429 OF 2006
WITH
REVIEW PETITION (ST.) NO. 1082 OF 2006
IN
WRIT PETITION NO. 1086 OF 2005.

Vasant Bapu Nanaware. ... Applicant.

V/s.

Narayan Shambhu Mane ... Respondent.

A.M.Kulkarni for the applicant/review petitioner.
Amit Sale for the respondent.

CORAM: V.C.DAGA, J.

DATED: 20th February 2006.

P.C.:

. By consent of parties civil application is allowed. Delay in filing review petition is condoned. Civil application stands disposed of with no order as to costs.

2. Heard learned counsel for the review petitioner.

3. In the review petition, the review petitioner has come up with a new case that the suit property is situated in the slum area and, therefore, suit for eviction could not have been filed against him. The review petitioner has moved this petition after disposal of the writ

petition vide order dated 17th November, 2005; wherein, on furnishing undertaking, one year's period to vacate suit premises, has been granted. Pursuant to the order, the petitioner has also furnished an undertaking to vacate the suit premises after one year from the date of the order i.e. 17th November, 2005.

4. In the review petition, the petitioner has stated as under:

> "It is only after this Honourable Court was pleased to dismiss the said writ petition, the Applicant has revealed this fact."
>
> (Emphasis supplied)

Reading of the aforesaid sentence would clearly mean that the fact sought to be placed on record to seek review of the order was well within the knowledge of the petitioner. If that be so, a contention could have been and ought to have been raised in the suit or appeal or at least in the writ petition. No case is made out to entertain review petition.

5. In the result, review petition is dismissed in limine with no order as to costs.

(V.C.DAGA, J.)